

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Case No. 1:96CR43-02

JAMES R. ROGERS, A/K/A "RICH",
Defendant.

U.S. DISTRICT COURT
FILED AT WHEELING, WV
MAY 14 1997
NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

**UNITED STATES' RESPONSE TO DEFENDANT'S
MOTION TO MODIFY THE CONDITIONS FOR RELEASE ON BAIL**

Now comes the United States of America and William D. Wilmoth, United States Attorney for the Northern District of West Virginia, by David E. Godwin, First Assistant United States Attorney, and responds to the defendant's motion for a modification of his release order by stating the following:

- 1) The United States does not object to the defendant being permitted to travel to his counsel's office in the Western District of Pennsylvania as often as the defendant and his counsel deem necessary.
- 2) The United States urges that the Court deny the defendant's request that he be released from monitored home detention. The Court has allowed him the freedom of returning home pending the trial of the case against him. The defendant is charged with a serious offense of taking actions that were preparatory to a crime that could have cost many innocent lives. As indicated in the affidavit filed in support of the search warrant for defendant's house on October 11, 1996, the government believes he has retained materials pertaining to the FBI/CJIS facility.

Monitored home detention is a substitute for the earlier ordered incarceration and the defendant has not made a showing that the Court's order is inappropriate; he merely asserts his inconvenience

in support of the motion. The Probation Officer has the authority to permit the defendant as much freedom as is necessary for the defendant's essential concerns.

Wherefore the United States requests that the Court grant the defendant's motion to the extent it seeks to facilitate travel to his counsel's office but to deny it to the extent it seeks to eliminate electronic monitoring of his home detention.

Respectfully submitted,

United States of America

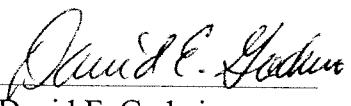
William D. Wilmoth
United States Attorney

By: David E. Godwin
David E. Godwin
First Assistant U. S. Attorney

CERTIFICATE OF SERVICE

I, David E. Godwin, First Assistant United States Attorney for the Northern District of West Virginia, do hereby certify that a copy of the foregoing UNITED STATES' RESPONSE TO DEFENDANT'S MOTION TO MODIFY THE CONDITIONS FOR RELEASE ON BAIL was placed in the United States Mail, postage prepaid, addressed to Gary B. Zimmerman, counsel for James R. Rogers, Suite 304, 100 Ross Street, Pittsburgh, Pennsylvania 15219, and William Cipriani, counsel for Floyd Raymond Looker, 634 Charles Street, Wellsburg, West Virginia 26070.

Dated: May 14, 1997



David E. Godwin
First United States Attorney
Post Office Box 750
Clarksburg, West Virginia 26302-0750